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FUZZYSHARP TECHNOLOGIES,
INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 FUZZYSHARP TECHNOLOGIES, INC,
16 Plaintiff,
17 v.
18 NVIDIA CORPORATION,
19 Defendant.

Case No. 12-cv-6375-JST

STIPULATED DISMISSAL AND
~~PROPOSED~~ ORDER

1 Plaintiff Fuzzysharp Technologies, Inc. (“Fuzzysharp”) and Defendant NVIDIA
 2 Corporation (“NVIDIA”), by and through their designated counsel, hereby submit this Stipulated
 3 Dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure:
 4

5 WHEREAS Fuzzysharp filed suit against NVIDIA on December 17, 2012 (Dkt. No. 1);

6 WHEREAS on April 18, 2013, the Court granted NVIDIA’s motion to dismiss
 7 Fuzzysharp’s initial complaint with leave to amend by May 15, 2013 (Dkt. No. 28), after which
 8 Fuzzysharp filed an amended complaint on May 14, 2013 (Dkt. No. 29);

9 WHEREAS on September 4, 2013, the Court granted in part NVIDIA’s motion to dismiss
 10 the amended complaint, dismissing with prejudice Fuzzysharp’s claim under U.S. Patent No.
 11 6,618,047 (“the ’047 patent”) and leaving only the claim of willful, direct infringement of U.S.
 12 Patent No. 6,172,679 (“the ’679 patent”) (Dkt. No. 42);

13 WHEREAS NVIDIA has alleged counterclaims for declaratory judgment of non-
 14 infringement and invalidity of the ’679 patent (Dkt. No. 43);

15 WHEREAS Fuzzysharp previously sued Intel Corporation for infringement of the
 16 ’679 and ’047 patents in *Fuzzysharp Techs. Inc. v. Intel Corp*, Case No. 12-CV-04413-YGR
 17 (N.D. Cal. filed Aug. 22, 2012) (“*Intel*”);

18 WHEREAS on November 7, 2013, the Court in *Intel* issued an Order finding all claims
 19 asserted in that case to be invalid and not patent eligible under 35 U.S.C. § 101 (*Intel* Dkt. No. 74
 20 (Order Construing Claim Terms in Dispute and Granting Summary Judgment in Favor of
 21 Defendant Intel Corporation)); and

22 WHEREAS counsel for Fuzzysharp has indicated its intent to appeal the decision in *Intel*:
 23

24 THE PARTIES HEREBY STIPULATE that Fuzzysharp’s remaining claim in this case be
 25 DISMISSED and that this case be closed. The parties agree that the dismissal of this claim under
 26 the ’679 patent is WITHOUT PREJUDICE to Fuzzysharp’s ability to file a new complaint
 27 re-alleging that claim if the finding of invalidity of the ’679 Patent is reversed upon conclusion of
 28 all appeals in *Intel*, and if Fuzzysharp files a new complaint, damages shall be as though the

1 present complaint had not been dismissed. Any such complaint must be filed in this Court within
2 180 days of the termination of all proceedings including any appeals in *Intel*.

3 THE PARTIES FURTHER STIPULATE that NVIDIA's counterclaims be DISMISSED
4 WITHOUT PREJUDICE.

5
6 Dated: December 2, 2013

Dated: December 2, 2013

7 Orrick Herrington & Sutcliffe, LLP

8 By: /s/ I. Neel Chatterjee
9 I. Neel Chatterjee

By: /s/ David Fink
David Fink

10 Attorneys for Defendant
NVIDIA CORP.

Attorney for Plaintiff
FUZZYSHARP TECHNOLOGIES INC.

11
12 Pursuant to Civil Local Rule 5-1(i)(3), counsel for NVIDIA has obtained the concurrence
13 of Fuzzysharp's counsel in the filing of this Stipulated Dismissal.

14
15 Dated: December 2, 2013

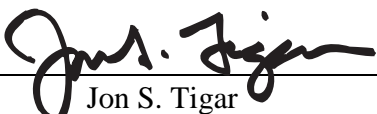
Orrick Herrington & Sutcliffe, LLP

16 By: /s/ I. Neel Chatterjee
17 I. Neel Chatterjee

18 Attorneys for Defendant
NVIDIA CORP.

19
20
21 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

22
23 Dated: December 2, 2013

24 
Jon S. Tigar
United States District Judge